

Remarks

Following the above amendments, claims 1-13 and 15-25 are pending in this application. The Examiner has rejected claim 1 under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,582,240 to Widmayer. The Examiner has rejected claims 9 and 10 under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 6,532,240 issued to Wu. The Examiner has also rejected claims 11-13 under 35 U.S.C. § 103(a) as being obvious over Wu.

A. Allowable Subject Matter

Applicant acknowledges Examiner's indication that claims 23-25 constitute allowable subject matter. Applicant also acknowledges the Examiner's indication that claims 2-8 and 15-22 would be allowable if rewritten in independent form. Claims 2 and 15 have been amended herein to place these claims in independent form. Claims 3-8 and 16-22 depend respectively from claims 2 and 15. Applicant submits that claims 2-8 and 15-22 are in condition for allowance.

B. Amendment to the Drawings

Figure 2 has been amended to include reference number 18, and Figure 3 has been amended to include reference numeral 34. Applicant respectfully submits that no new matter has been added as a result of the addition of these reference numerals to Figures 2 and 3.

C. Claim 1

The Examiner has rejected claim 1 as being obvious in view of Widmayer. As recognized by the Examiner, Widmayer does not teach or suggest all of the limitations of the rejected claims. In particular, the Examiner recognizes that Widmayer does not disclose a plurality of processors associated with a plurality of heat sinks. The Examiner also relies on *Ex parte Masham*, 2 U.S.P.Q.2d 1647 (1987) for the rule that "a recitation with respect to the

manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations.” In *Masham*, the appeals board upheld a rejection of a claim, because the structure disclosed in the prior art was identical to the structure claimed in the applicant’s claims even though the intended use for the apparatus was different. *Id.* at 1648. The appeals board held that the intended use of the apparatus did not impose additional limitations on the structure of the apparatus so as to distinguish the apparatus from the prior art. *Id.*

The rule of *Masham*, however, does not apply to claim 1 of the present invention. Unlike the prior art in *Masham*, Widmayer does not disclose a structure or apparatus containing each and every element of the present invention. For example, the “plurality of processors,” “heat sink,” and “memory” recited in claim 1 are all elements that comprise the structure of the claimed system of claim 1 and are not merely recitations of “intended use.” Thus, because Applicant’s present claims contain structural elements that are not present in the cited reference, the rule of *Ex parte Masham* is inapplicable to claim 1. The elements of claim 1 are structural elements and not merely a recitation of uses for a claimed structure. In summary, a prima facie case of obviousness has not been established with reference to rejected claims 1 and 14. The rejection under 35 U.S.C. § 103(a) of claims 1 and 14 should be withdrawn.

D. Claim 9

The Examiner has rejected claim 9 as being anticipated by Wu. Applicant respectfully submits that Wu does not disclose each element of claim 9 as amended. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” M.P.E.P. § 2131 (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987));

Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989)

(“The identical invention must be shown in as complete detail as is contained in the . . . claim.”).

In particular, Wu does not disclose the recitation of claim that provides that “the heat sink is sized such that when the heat sink is placed adjacent to a like heat sink, a non-linear air path is present between the adjacent heat sinks.” Wu, in contrast, depicts a series of threaded, telescoping heat sinks. When these heat sinks are assembled, either no air path or a non-linear air path will exist between each of the heat sinks of Wu. Because Wu does not disclose each element of claim 9, Wu does not anticipate claim 9. Applicant respectfully submits that the rejection of claim 9 should be withdrawn.

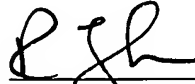
E. Claims 10-14

Each of claims 10-14 will not be discussed individually herein as each of these claims depends from an otherwise allowable base claim.

Conclusion

Applicant respectfully submits that the rejection of pending claims 1-13 and 15-25 should be withdrawn, and these claims should be passed to issuance.

Respectfully submitted,



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